

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH

Dated: 02/02/2017

In re: KURT NEFF FISHER AND BRENDA KAY FISHER

Bankruptcy Number: 13-30141

NOTICE OF CHAPTER 13 TRUSTEE'S MOTION TO DISMISS AND NOTICE OF DEADLINE TO
OBJECT AND TO SET OBJECTION FOR A HEARING

Objection Deadline: **February 27, 2017**

PLEASE TAKE NOTICE that the Chapter 13 Trustee has filed with the United States Bankruptcy Court for the District of Utah a motion to dismiss your bankruptcy case for failure to comply with the terms of the court's confirmation order. The specifics are set forth in the motion included herewith.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to dismiss your Chapter 13 case, then you **must** take the following three (3) actions:

1. On or before **February 27, 2017** (the "Objection Deadline") you or your lawyer must file with the Bankruptcy Court a written objection to the Trustee's motion explaining why your bankruptcy case should not be dismissed. If you do not have access to the court's electronic filing system ("ECF"), you can hand-deliver or mail your objection to the following address: (if you mail your objection, it must be received by the court on or before the Objection Deadline):

United States Bankruptcy Court
350 South Main Street, Room 301
Salt Lake City, UT 84101

2. On or before the Objection Deadline, and after filing your objection, you must contact the Bankruptcy Court to reserve a hearing date and time when your objection will be considered by the Bankruptcy Judge.

3. On or before the Objection Deadline, and after reserving your court hearing date, you must also file a notice of hearing with the Bankruptcy Court, which notice will be served electronically on the Trustee (you do not need to mail a copy to the Trustee).

If you or your attorney do not complete **all three of these actions**, the Bankruptcy Court may decide that you do not oppose the Trustee's motion to dismiss and may enter an order granting that relief without further notice or hearing.

Lon A. Jenkins (4060)
Tami Gadd-Willardson (12517)
Brian J. Porter (14291)
MaryAnn Bride (13146)
OFFICE OF THE CHAPTER 13 TRUSTEE
405 South Main Street, Suite 600
Salt Lake City, Utah 84111
Telephone: (801) 596-2884
Facsimile: (801) 596-2898
Email: utahtrusteemail@ch13ut.org

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

IN RE:
KURT NEFF FISHER
BRENDA KAY FISHER

Debtors

CASE NO: 13-30141

Chapter 13

Hon. WILLIAM T. THURMAN

**TRUSTEE'S MOTION TO DISMISS FOR NON-COMPLIANCE
WITH CONFIRMATION ORDER**

The Standing Chapter 13 Trustee, hereby moves this Court for an entry of an Order dismissing the above-entitled case for failure to comply with the Order Confirming Debtor's Chapter 13 Plan. In support thereof, the Trustee represents as follows:

1. Pursuant to the terms of the Order Confirming Debtor's Chapter 13 Plan, the Debtors are required to make payments of \$876.00 on or before the 25th day of each month. The above named Debtors have failed to comply with this term of the confirmed plan resulting in a delinquency in monthly payments to the Trustee in the total sum of \$2,628.00 (see Exhibit "A").

2. The Trustee may withdraw this Motion to Dismiss if the entire delinquency in the amount stated above is received by the Trustee and posted to the Debtors' bankruptcy case by **February 27, 2017**. If the payment is tendered after the next monthly payment comes due on the 25th, the Trustee will not withdraw the Motion to Dismiss unless an additional \$876.00 is included in the payment to cure the delinquency stated in paragraph (1).

3. On or before **February 27, 2017**, you must complete all three (3) of the following actions in response to this motion or your case may be administratively dismissed without further notice or hearing: (a) file with the Bankruptcy Court a written objection to this motion; (b) reserve a hearing date and time with the Bankruptcy Court when your

objection will be heard; and (c) file with the Bankruptcy Court a notice of hearing on your objection.

4. Sufficient notice of the resulting Order of Dismissal will be provided to all parties in interest pursuant to Fed.R.Bankr.P. 2002(f).

THEREFORE, unless the Debtors cure this default in the plan, it is in the best interest of creditors and the estate that the Court enter an Order of Dismissal dismissing this case under 11 U.S.C. 1307.

Dated: 2/2/2017

LAJ /S/
LON A. JENKINS
CHAPTER 13 TRUSTEE

CERTIFICATE OF MAILING

The undersigned hereby certifies that true and correct copy of the foregoing Trustee's Motion to Dismiss was served upon all persons entitled to receive notice in this case via ECF notification or by U.S. Mail to the following parties on February 02, 2017:

KURT NEFF FISHER & BRENDA KAY FISHER, 8089 PINE LAKE CIRCLE, WEST JORDAN, UT 84081

KURT NEFF FISHER & BRENDA KAY FISHER, 8089 PINCE LAKE CIRCLE, WEST JORDAN, UT 84081

MORRISON & MURFF, ECF Notification

MARK S MIDDLEMAS, ECF NOTIFICATION

LUNDBERG & ASSOCIATES, ECF NOTIFICATION

ALDRIDGE PITE, LLP, 4375 JUTLAND DRIVE, SUITE 200, PO BOX 17933, SAN DIEGO, CA
92177-0933

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/S/ Office of Chapter 13 Trustee

EXHIBIT "A"
Trustee's Accounting of Receipts as of February 02, 2017 for Case No. 13-30141

<u>Date</u>	<u>Payment Type</u>	<u>Amount</u>	<u>Date</u>	<u>Payment Type</u>	<u>Amount</u>
10/9/13	DEBTOR PAYM	\$630.00			
12/12/13	DEBTOR PAYM	\$630.00			
1/8/14	DEBTOR PAYM	\$630.00			
2/7/14	DEBTOR PAYM	\$876.00			
3/24/14	DEBTOR PAYM	\$876.00			
4/23/14	DEBTOR PAYM	\$876.00			
5/23/14	DEBTOR PAYM	\$876.00			
6/23/14	DEBTOR PAYM	\$400.00			
7/8/14	DEBTOR PAYM	\$1,352.00			
8/11/14	DEBTOR PAYM	\$150.00			
9/8/14	DEBTOR PAYM	\$876.00			
10/8/14	DEBTOR PAYM	\$900.00			
11/10/14	DEBTOR PAYM	\$900.00			
11/24/14	DEBTOR PAYM	\$876.00			
11/24/14	DEBTOR PAYM	\$678.00			
1/9/15	DEBTOR PAYM	\$400.00			
1/28/15	DEBTOR PAYM	\$476.00			
2/20/15	DEBTOR PAYM	\$876.00			
3/24/15	DEBTOR PAYM	\$876.00			
5/1/15	DEBTOR PAYM	\$876.00			
6/26/15	DEBTOR PAYM	\$876.00			
7/2/15	DEBTOR PAYM	\$876.00			
8/18/15	DEBTOR PAYM	\$1,752.00			
9/29/15	DEBTOR PAYM	\$876.00			
11/10/15	DEBTOR PAYM	\$876.00			
11/24/15	DEBTOR PAYM	\$876.00			
1/19/16	DEBTOR PAYM	\$876.00			
3/7/16	DEBTOR PAYM	\$876.00			
4/5/16	DEBTOR PAYM	\$876.00			
4/22/16	LOCKBOX DEI 000000000000	\$1,752.00			
6/24/16	DEBTOR PAYM	\$876.00			
7/8/16	DEBTOR PAYM	\$1,000.00			
7/12/16	DEBTOR PAYM	\$876.00			
7/26/16	DEBTOR PAYM	\$876.00			
9/16/16	DEBTOR PAYM	\$176.00			
9/16/16	DEBTOR PAYM	\$752.00			
10/21/16	DEBTOR PAYM	\$700.00			
12/30/16	DEBTOR PAYM	\$876.00			